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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,758	02/04/2004	Ki-Ho Lee	2003P02062US01; 60427-616	3665
24500	7590	09/07/2006	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			HARRIS, KATRINA B	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,758

Applicant(s)

LEE, KI-HO

Examiner

Katrina B. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-14,16-18,24,26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8,11-13,16,17,26,28,29,31 and 32 is/are rejected.
- 7) ☒ Claim(s) 9,10,14,18,24 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 11-13, 16 and 17, 26, 28, 29, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Rutschmann (4,779,580). Rutschmann discloses, as in **claim 1**, an air induction body assembly for a vehicle, comprising: a carrier (9) having a first sealing interface for a manifold and a second sealing interface for an engine cylinder, wherein said carrier defines an air entry side and an air discharge side;

at least one air opening extending through said carrier(9), said at least one air opening for communicating air to the engine cylinder; and

at least one valve (3) mounted to said carrier (9) and moveable to a position wherein the at least one valve (3) extends through at least one of said air entry side or said air discharge side to control the communication of air through said at least one opening.

Regarding **claim 2, 16 and 17** wherein said valve (3) comprises a flap, said flap pivotally mounted to said carrier by a shaft (see Figures 1 and 2).

Regarding **claim 6**, said shaft is mounted on said carrier by a bearing surface.

Regarding **claim 11**, wherein said at least one air opening comprises a plurality of air openings and said at least one valve comprises a plurality of valves for controlling

air through said plurality of air openings, and including a shaft interconnecting said plurality of valves.

Regarding **claim 12**, wherein said carrier (9) has a support for a fuel injector (7).

Regarding **claim 13**, a fuel injector (7).

Regarding **claim 26**, an air induction body assembly for a vehicle, comprising: a carrier (9) having a first sealing interface for a manifold and a second sealing interface for an engine cylinder; at least one air opening extending through said carrier (9), said at least one air opening for communicating air to the engine cylinder; at least one valve mounted to said carrier, said at least one valve for controlling the communication of air through said at least one air opening; said carrier (9) having a support for a fuel injector (7); a fuel injector (7) supported by said support; and said fuel injector having a discharge end portion for discharging fuel spaced from a receiving end portion for receiving fuel, said at least one valve (3) located closer to said discharge end portion for discharging fuel than to said receiving end portion for receiving fuel.

Regarding **claim 28**, wherein said carrier includes a planar member that defines at least one air opening and receives said at least one valve (3).

Regarding **claim 29**, wherein said planar member pivotally receives said at least one valve (3).

Regarding **claim 31**, wherein said carrier (9) comprises a carrier length and a carrier thickness that extends between said first sealing interface for said manifold and said second sealing interface for said engine cylinder, said carrier thickness is shorter than said carrier length, said flap includes a flap length and a flap thickness that is

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shorter than said flap length, and said flap length is greater than said carrier thickness.

(See Figure 3)

Regarding **claim 32**, an air induction body assembly for a vehicle, comprising; a carrier having a first sealing interface for a manifold and a second sealing interface for an engine cylinder; wherein said carrier (9) defines an air entry side and an air discharge side; at least one air opening extending through said carrier (9), at least one air opening for communicating air to the engine cylinder; and at least one valve (3) comprising a flap (see Figures 1-3) pivotally mounted to said carrier by a shaft and moveable to a position wherein the flap extends through both said air entry side and said air discharge side to control the communication of air through said at least one opening.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutschmann (4,779,580) in view of Gluchowski et al. (5,146,887).

Rutschmann discloses the claimed invention except the use of ball bearings. Gluchowski et al. discloses the use of ball bearing for mounting the shaft for the valve. It would have been obvious to one of ordinary skill in the art to use the ball bearing of

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Gluchowski et al. in the invention of Rutschmann to limit the displacement of the end of the shaft.

Allowable Subject Matter

Claims 9, 10, 14, 18, 24 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

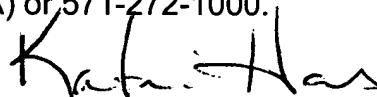
Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katrina B. Harris whose telephone number is 571-272-4842. The examiner can normally be reached on 5:30 AM -2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Cronin can be reached on 571-272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Katrina B. Harris
Examiner
Art Unit 3747

KBH



Tony M. Argenbright
Primary Examiner
Art Unit 3747